

**REMARKS**

**INTRODUCTION**

In accordance with the foregoing, Claims 1, 3-12, and 14-19 are pending and under consideration. Claims 17-19 have been added. Claims 1, 3-12, and 14-16 stand rejected. Claims 1, 3, 4, 6-12, 14 and 15 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

**REJECTIONS UNDER 35 USC § 102 and § 103**

In the Office Action, claim 15 was rejected under 35 U.S.C. § 102 as anticipated by Walker '207. Claims 1, 3-12, 14, and 16 were rejected as obvious over Walker '207 in view of Walker '270. These rejections are traversed and reconsideration is requested.

As discussed in detail below with reference to the claims, the prior art does not teach (1) dealers purchasing (2) personal information of a person (3) based on accessing non-binding advertising information of the person.

Claim 1 recites "purchasing and acquiring for a dealer ... personal information of the consumer". In discussing this feature, the rejection pointed to col. 13, lines 13-22 of Walker (apparently Walker '207) as allegedly teaching "the use of a web page and a bulletin board which requires a basic browsing fee" (i.e. purchasing).

First, the cited portion of Walker '207 discusses only a database containing contact information of *sellers* ("seller database maintains data on sellers", col. 13, line 11). Personal information of a seller does not correspond to personal or contact information of a consumer".

Second, nowhere does Walker '207 discuss a basic browsing fee. The cited portion of Walker '207 only mentions registration of the seller, and does not discuss the seller paying a basic browsing fee. Therefore, Walker '207 does not teach *purchasing* information. The Examiner is respectfully requested to provide a citation in Walker '207 that indicates a "basic browsing fee" is required. Free bulletin boards are as likely if not more likely than basic-fee bulletin boards.

Third, a browsing fee is analogous to a purchasing club membership fee, where a member purchases the right to see merchandise with the membership fee, but then must separately select and purchase goods in the club. A browsing fee is just that; a fee for browsing that is paid regardless of whether a product or service is actually purchased. The Merriam-Webster Dictionary defines "purchase" to mean "to obtain by paying money". According to the

rejection's reasoning of "purchasing information", the personal information of Walker '207, if any, is not (purchased) *obtained by paying money*, because a basic fee (money) would be paid *before* the information was obtained. With Walker '207, the information itself is not purchased, but rather the right to browse is allegedly purchased. For clarity, claim 1 has been amended to recite "a personal information acquiring unit purchasing and acquiring for a dealer, after the dealer has viewed the posted market information". A basic fee, if any, would be paid *before* viewing market information. Walker '270 was not cited for - and in fact does not - add or suggest this feature. For example, Walker '270 is an anonymous contact system and does not reveal personal contact information.

An aspect of the present invention relates generally to a consumer submitting non-binding market and personal information (reverse-ad information), and a dealer purchasing either or both pieces of information. The purchase of personal information is supported at least by page 14 of the present specification, which together with Fig. 5 indicates that a dealer is charged specifically for this information (S28 and S29). The claims have been amended to clarify the purchase of personal information. Neither Walker reference discusses or suggests this feature.

Claim 1 recites "a market information registering unit registering non-binding market information that advertises a non-binding market interest of the consumer". An aspect of the present invention is that consumers can submit non-binding advertising-like market information, rather than contractually binding offers to purchase. In contrast, Walker '207 relates only to a buyer submitting legally binding Purchase Offers, which are conditioned on a seller meeting the terms of the offer to purchase (see Walker's Background Discussion; Fig. 5 which "adds legal language"; and col. 16, line 2, through col. 17, line 7). Column 4, lines 12-28 of Walker '207 state "A key element necessary ... is the seller's ability to bind a buyer to a legal contract under the terms of the buyer's posted offer. **In contrast to a non-binding request for proposal.**" Walker '207 states that "advertisement ... does not constitute an offer ... advertisement is merely an invitation to make an offer" (col. 4, lines 46-48). Figure 5 of Walker '207 also shows adding terms to the POs, such as price and conditions, which are typically present in contractual offers. As Walker '207 notes in its Background discussion, contractually-bindable offers (Walker) are not the same as non-bindable advertisements (e.g. claim 1). Walker '270 was not cited for teaching this feature.

The independent claims have also been amended to clarify that "personal information

includes information personally identifying the consumer", which cannot be compared to information that merely enables indirect anonymous communication with a consumer/purchaser.

Claims 11, 12, 14 and 15 recite features similar to features of claim 1 discussed above. Withdrawal of the rejection of claims 1, 11, 12, 14 and 15 is respectfully requested.

The § 103 rejections also fail because the modification to Walker '207 proposed by the rejection would render Walker '207 unfit for its intended purpose. Walker '207 states that "A key element **necessary** to achieve a critical mass of seller participation in such a bilateral electronic buyer-driven system is the seller's ability to bind a buyer to a legal contract under the terms of the buyer's posted offer. ... Potential sellers do not need to worry about the costs of negotiating terms of sale with the individual buyer because the buyer has laid out all such terms in his offer." In other words, an explicit and necessary element of Walker '207 is that it obviates the need for sellers to contact buyers; all the information necessary to consummate a deal is found in the purchase offer posted by the buyer/consumer. Walker '207 is directed to anonymous transactions; "As mentioned previously, the present invention provides for the anonymity of both buyers and sellers". Furthermore, if Walker '207 were modified to require contacting the buyer/consumer before binding (accepting) the buyer/consumer's purchase offer, then Walker '207 would lose the binding certainty that it is explicitly designed to accomplish. Additionally, contacting the buyer/consumer after binding (accepting) the buyer/consumer's purchase offer is not suggested or necessary, because the deal between the buyer and seller has already been completed; any problems after purchase are handled through the central processor.

#### **DEPENDENT CLAIMS**

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 7 recites "charging the dealer when the dealer has purchased the market information." This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

#### **NEW CLAIMS 17-19**

New claims 17 and 18 have been added to clarify an aspect of the present invention in which dealers purchase personal information of a person based on accessed market information of the person. Claim 19 has been added to recite an aspect of the present invention that does not include a prior approval unit and a confirming unit.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Please AMEND and ADD to the claims as follows:

1. (FIVE TIMES AMENDED) A marketing system for processing market information of consumers and dealers via an electronic network, comprising:

a personal information registering unit [means for] registering personal information of a consumer, where the personal information includes information personally identifying the consumer;

a market information registering unit [means for] registering non-binding market information that advertises [about goods which] a non-binding market interest of the consumer [desires to purchase];

a posting unit [means] for extracting and posting the market information registered in said market information registering unit [means according to genres]; [and]

a personal information acquiring unit [means for] purchasing and acquiring for a dealer, after the dealer has viewed the posted market information, personal information of the consumer necessary for the dealer to [access] contact the consumer [from said personal information registering means after] about the viewed market information [posted at said posting means is purchased, including];

a prior approval demand determining unit [means for] determining, based on the personal information registered in said personal information registering unit [means], whether prior approval by the consumer is required before the dealer accesses the consumer [, after the market information has been purchased by the dealer,]; and

an access confirming unit [means for] seeking approval for access by the dealer from the consumer who registered the purchased market information, when said prior approval demand determining unit [means] judges that the prior approval is required.

3. (ONCE AMENDED) The marketing system according to claim 1, wherein said access confirming [means] unit cancels the purchase of the [market] personal information by the dealer when the consumer does not approve the dealer's access.

4. (ONCE AMENDED) The marketing system according to claim 1, wherein the personal information registered in said personal information registering [means] unit includes a

type of access to the consumer.

6. (ONCE AMENDED) The marketing system according to claim 1, wherein the personal information registered in said personal information registering [means] unit includes pre-categorized information and format-free information.

7. (ONCE AMENDED) The marketing system according to claim 1, further comprising a accounting [means] unit for charging the dealer when the dealer has purchased the market information posted at said posting means.

8. (ONCE AMENDED) The marketing system according to claim 1, further comprising a posting continuation confirming [means] unit for performing at regular intervals of time a process of inquiring of the consumer whether the consumer desires the market information to be continuously posted at said posting [means] unit.

9. (ONCE AMENDED) The marketing system according to claim 1, further comprising a point providing [means] unit for giving the consumer a bonus point when the consumer has registered the personal information or market information.

10. (ONCE AMENDED) The marketing system according to claim 9, wherein said point providing [means] unit gives the consumer an extra point if the consumer purchases goods from the dealer who has purchased the market information.

11. (TWICE AMENDED) A marketing system processing market information of consumers and dealers via an electronic network, comprising:

a personal information registering unit to register personal information of a consumer, where the personal information includes information personally identifying the consumer;

a market information registering unit to register non-binding market information about [goods which] a non-binding market interest of the consumer [desires to purchase];

a posting unit to extract and post the market information registered in said market information registering unit [according to genres]; and

a personal information acquiring unit, coupled to said personal information registering unit and said market information registering unit, to purchase and acquire the personal

information of the consumer necessary for a dealer [ , who has purchased] after the dealer has viewed the posted the market information, to [access] contact the consumer about the viewed posted market information after determining, based on the personal information, whether prior approval by the consumer is required before the dealer accesses the consumer, and seeking approval for access by the dealer from the consumer who registered the market information, when prior approval is required.

12. (TWICE AMENDED) A method of processing market information of consumers and dealers via an electronic network, comprising:

registering personal information of a consumer, where the personal information includes information personally identifying the consumer;

registering non-binding market information about [goods which] a non-binding market interest of the consumer [desires to purchase];

posting the market information [that is registered according to genres];

determining, based on the personal information previously registered, whether prior approval of the consumer is required before accessing the consumer by a dealer who has [purchased] viewed the market information;

seeking approval for access by the dealer from the consumer who registered the purchased market information, when prior approval is required; and

acquiring and purchasing the personal information of the consumer necessary for the dealer to access the consumer, after said determining and, if required, the approval by the consumer has been obtained.

14. (TWICE AMENDED) A computer readable medium for storing and processing market information of consumers purchased by dealers via an electronic network, the computer readable medium comprising:

registering personal information of a consumer, where the personal information includes information personally identifying the consumer;

registering non-binding market information about [goods which] a non-binding market interest of the consumer [desires to purchase];

posting the market information [that is registered according to genres];

determining, based on the personal information previously registered, whether prior approval of the consumer is required before accessing the consumer by a dealer who has

[purchased] viewed the market information;

seeking approval for access by the dealer from the consumer who registered the market information, when prior approval is required; and

acquiring and purchasing the personal information of the consumer necessary for the dealer to access the consumer, after said determining and, if required, the approval by the consumer has been obtained.

15. (ONCE AMENDED) A marketing system for processing market information of consumers and dealers via an electronic network, comprising:

a communication unit coupled to the electronic network to communicate with a consumer and a dealer;

a storage unit to store personal information of the consumer and non-binding market information about [goods which] a non-binding market interest of the consumer [desires to purchase]; and

a processing unit, coupled to said storage unit and said communication unit, to provide personal information of the consumer necessary for the dealer to personally and directly access the consumer after the market information is [purchased] viewed by the dealer, where the personal information personally identifies the consumer, and where the personal information is provided in response to the dealer being charged for the personal information.

17. (NEW) A method of marketing and selling information over a data network, comprising:

submitting, by a person, non-binding market information for advertising a non-binding consumer interest of the person, and personal information of the person necessary to identify and contact the person;

accessing the non-binding market information; and

purchasing the personal information based on the market information.

18. (NEW) A method of marketing and selling information over a data network, comprising:

submitting over the data network, by a person, non-binding market information for advertising a non-binding consumer interest of the person, and associated personal information of the person that is necessary to contact the person and that personally identifies the person;

advertising, over the data network, the non-binding market information;  
accessing, over the data network, the non-binding market information;  
paying for, or incurring an obligation to pay for, the personal information based on said  
accessing, and in response receiving the personal information; and  
using the personal information to directly contact the person about the consumer interest  
of the person.

19. (NEW) A marketing system for processing market information of consumers and  
dealers via an electronic network, comprising:

a personal information registering unit registering personal information of a consumer  
that includes information personally identifying the consumer and information necessary for the  
dealers to directly contact the consumer;

a market information registering unit registering non-binding market information that  
advertises a non-binding market interest of the consumer;

a posting unit for posting information reflective of the market information registered in  
said market information registering unit; and

a personal information acquiring unit purchasing and in response acquiring for a dealer,  
after the dealer has viewed the posted information reflective of the market information, the  
personal information of the consumer.